3 Trade with America 18

THE PRESENT CRISIS,

WITH RESPECT TO

AMERICA,

CONSIDERED.

Udum & molle lutum eſt, nunc nunc properandus, & acri
Fingendus ſine fine rota———

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THE
PRESENT CRISIS
CONSIDERED.

THE reſiſtance to an authority, that declares itſelf by open force, is leſs to be dreaded than that which lurks under the colour of law, and aſſumes being dictated by a ſpirit of juſtice: The one by appearing undiſguiſed, reveals its intentions; and we are at no loſs to diſcover the actuating principle. The other, by clothing itſelf under falſe colours and ſpecious pretences, conceals the poiſon of diſaffection; and too often an inſidious deſign of invading thoſe laws, they ſeem engaged to protect, and to overturn that power they pretend to eſtabliſh on more pure and juſt principles. In theſe too frequent delu-

ſions, it muſt give every man, attached to his country, and intereſted in the happineſs and welfare of it, the moſt pungent pain to obſerve the facility, with which any man who takes on himſelf the now *trading* name of Patriot, gains ſupport and popular applauſe; but more, the general credulity, that liſtens with the moſt eager attention to their repreſentation of things, who picture grievances and abuſes, with a malignancy ſuitable to their deſigns; and with equal fertility of invention, propoſe regulations and amendments always favourable to the diſpoſition of their party. It is, by addreſſing themſelves to the paſſions of the people, in plauſable declamation, and flattering their prejudices, that they gather ſtrength, and warp their judgement by deluſive arguments; and ſeduce them with the idea of proſecuting a juſt cauſe, while they are nurſing all the horrors of rebellion.

In the preſent diſpute with the Americans, we cannot but lament the ſucceſs of thoſe, who through pique of party have ſacrificed their country to private revenge; and have ſown the

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ſeeds of diſſention between Great Britain and her Colonies, that in the end, may prove the deſtruction of the one, and highly prejudicial to the other. The important criſis, that is to determine the authority of the ſupreme legiſlature of this kingdom over a part of its dominion is now arrived; the ſubverſion of which, appears to be the directed aim of the inſurgent Americans. This alarming ſituation doth not demand more profound conſideration in the adopting an expedient, than firmneſs, and ſtability in the execution. A man with common feelings will contemplate on the idea of force with horror, at the time that he feels an anxious ſolicitude to aſſert, and maintain the right of his country; and will lament the obſtinate deluſion, that requires the exertion of it, to demand, what gratitude and juſtice ought to yield.

With the more attention we examine into the right of the Britiſh Legiſlature over the Colonies, the deeper we ſhall perceive their claim to be founded on juſtice; unmixed with forced political maxims, but flowing from its ſtrict and pureſt

pureſt principle.—But unhappily for this kingdom it has hitherto been exerted with a laxity, that has been productive almoſt of its diſſolution.

To trace with preciſſion the principles on which this right is founded, we muſt inveſtigate that authority which claims the juriſdiction; and from the legality of its power, deduce the juſtneſs of the demand.

A ſovereign or ſupreme authority, being the baſis upon which all government is founded, the preſervation of it muſt ever be the object of the man who reflects that the execution of the laws, and the ſtability of his property depends upon its exiſtence.—This ruling power in all ſtates is analogous to that order eſtabliſhed in the ſyſtem of the univerſe, by the Divine Being. It is a deputed authority from him, to preſerve that conſiſtency, which is obſervable throughout the creation, and founded upon his divine relation and will.

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The juriſdiction of this power muſt neceſſarily extend to every part of the dominion of the ſtate; and though all legiſlatures have a boundary, or rather a directory, line of conduct, over the rules of natural juſtice, and the welfare and happineſs of the community; yet its authority cannot be limited: From a power, it poſſeſſes in itſelf, as a ſupreme directing legiſlative council, it can create, or diſannul, alter, or revoke, all laws, charters, or ordinances whatſoever, within its juriſdiction: Being the ſupreme legiſlature of the ſtate, it is amenable to no tribunal, having no ſuperior power to itſelf. Thus premiſing the indiſpenſible neceſſity of a ſupreme ſovereign power, to the exiſtance of a ſtate, which, from its nature, muſt poſſeſs an abſolute authority, and is no leſs ſacred from the object of its direction, which is the happineſs and welfare of the community, than from that divine authority by which it is inſtituted.

This power when traced to its original, will be found monarchal; but by the conſtitution of

of this kingdom, it is lodged in the Kings, Lords, and Commons; theſe united, form the ſupreme legiſlature of this nation; partaking of the three eſtabliſhed forms of government; the two laſt, as it were branching from the firſt, owe their origin to the political refinements in the ſyſtem of jurriſdiction. But whatever forms of government may be eſtabliſhed in different nations, the authority of the ſupreme legiſlature of them cannot be ſupoſed but to extend to every part of their dominion, either conquered, or acquired: And though Colonies, diſtant from the ſeat of government, may require different policy in their eſtabliſhments, ariſing from local and other circumſtances, named Provincial, or Colonial Governments, yet the ſovereign ruling power muſt center in the parental ſtate; as full and extenſive, as within the diſtrict of the ſeal of its eſtabliſhment; otherwiſe they are not colonies, but ſeperate and independant ſtates, exerciſing a juriſdiction of their own, without any other connection than may ariſe from the general intercourſe of nations. The impoſſibility of governing them, without a reſident au-

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thority, creates a neceſſity for the ſovereign power, to inſtitute a ſubordinate one, with ſuch power as may ſeem expedient for the execution of the laws, and promoting the welfare of the people: Yet though this delegated power may have ability to exerciſe a juriſdiction, it cannot be ſuppoſed to ſubſiſt but in ſubordination to the ſupreme ruling power that created it. Theſe are immutable univerſal principles, from which any deviation muſt be eccentric—There is no degree between the ſovereignty of the one, and the independance of the other—They are principles founded on truth, and will not admit of a medium.

The preſerving of colonies by a military force, after the manner of the Roman provinces, is a policy founded on falſe principles; and more the effect of ambition, than a deſire of ſecuring ſtaple advantages to a kingdom, from a reciprocal commerce, and a union of intereſt: Yet that knowledge, which is the reſult of experience, being the moſt perfect, and comparative events, the ſafeſt guide for a political

litical conduct, it will be found, that giving colonies a conſtitution within themſelves, is ſowing the ſeeds of independance in them; which in a ſoil, like the human mind, will never die; though they may lie dormant for a time, they ſleep to nouriſh maturation.

In the conſtitution of the American colonies, we have reaſon to lament the policy that dictated their forms of government upon principles more democratic, than colonial; through the zeal to make them happy, they overlooked the means of inſuring it, or their penetration reached no farther than the naſcent ſtate of things. But the advocates for univerſal liberty, maintain that every man ought to have the free government of himſelf, as far as the ſafety of the ſtate will admit of, and that a democracy is the only form of government wherein this liberty can, in the leaſt, ſubſiſt. It is too remote from the preſent queſtion, and too complex an enquiry to inveſtigate here, the fitneſs of political inſtitutions, but we muſt obſerve, that if their obligations are not held ſacred,

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the ties of ſociety will be abſolved; and by a parity of reaſoning, the laws whereby dominions are held, will be nugatory and void, and appear oppreſſive and unjuſt. In theory, a pleaſing line of political liberty may be drawn, perfectly conſonant to natural freedom, which in ſpeculation may yield us the moſt flattering expectations, and from its latitude of freedom, ſatisfy the moſt republican principles; yet, when realized, we ſhall find how defective, and inadequate to the taſk of forming into one mind, the minds of the people, and uniting and bringing into one focus, the wills, the intereſt and diſpoſitions of a whole body. The mutability of human nature, its proneneſs to deviate from moral rectitude, cauſes the want of a power to preſerve a conſiſtency, and reſtrain its abuſes; the refinements of ſociety, introduce new ideas, awakens paſſions, whoſe objects are various, and important, that require new laws to reach their exceſſes; the change of manners cauſe the ſame, and renders obſolete and ineffective the laws that were before efficient. Such is the progreſſive ſtate of human nature, in its political capacity, it pro-

ceeds by quick degrees to its grand political climacteric; after which it proceeds in a more ſlow, and gradual motion; its continual fluctuation, creates a neceſſity for new laws: and the political power of all ſtates muſt increaſe with their advancement to maturity.

The Americans are ſuppoſed to be ſubjects of Great Britain, though it has been advanced, that the Colonies are the King's domain; if ſo, by the law of the land, the people are ſubject to his ſole juriſdiction; therefore, participating that of the whole legiſlature, they receive a privilege, and no invaluable one, that by the law they are not entitled to. But they contend that migrating under the ſanction and protection of government, they carried with them the rights, they poſſeſſed before, as natives of this kingdom. This is the firſt principle they ground their claims on, and though the poſition may be juſt, the concluſion they deduce from it is no leſs falſe than abſurd. Granting they have a right to political liberty, in as full, and extenſive a degree as ſubjects of the realm; how far

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it muſt be underſtood to extend in ſuch, is an object of enquiry.

Political liberty indiſputably means the enjoyment of the privileges of the community, or the government of the kingdom; this liberty in different nations, is more or leſs confined, according to the conſtitution of the realm: That of this country is more unlimited than in any eſtabliſhed political ſtate in the world. The coloniſts, conſidered as Britiſh ſubjects *in* England, enjoy the ſame freedom as the natives; the law, *in* England, knows no diſtinction bebetween an American ſubject and a Britiſh one; there is no privilege that the one can enjoy beyond the other, and in the capacity of ſubjects *reſiding* in Great Britain, there is no difference whatſoever: Being indiſputably ſubjects of Great Britain, they muſt be obedient to the authority of the ſupreme legiſlature of the kingdom, in whatever part of the dominion they are in. But an error hath been too prevalent, and of no ſmall conſequence in its effects, in conſidering the Americans, rather as allies, or ſe-

parate ſtates, than as ſubjects; they have been viewed, and regarded in that manner, which has raiſed an imaginary conſequence of themſelves, and leſſened the authority of this nation over them. Although a people migrating to another part of the dominion, do not thereby loſe the privileges of the nation from which they emigrated; no more than it can be ſuppoſed, they can enjoy the ſame privileges in every part of the realm; thoſe national liberties, are free for their acceptance at any time; and though they reſigned them, for advantages that ſeemed to them ſuperior, they did not thereby looſe them, becauſe they can be taken up at their will: But if they depart the kingdom, to another part of the realm, they muſt ſubmit to the local ordinances of that part of the dominion. It is inconſiſtent with all ideas of government, that a people migrating to lands *partibus exteris*, have a right to exerciſe a juriſdiction, ſeparate, and independant of the parent ſtate; which is what the coloniſt directly contend for: Or that becauſe in Great Britain, ſome of them enjoyed the privilege of ſharing in the legiſlature,

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that, they have a right to elect *one* of themſelves; thoſe rights, as I have obſerved before, it muſt be underſtood that they *ſtill poſſeſs*, though cannot exerciſe them, from their *ſituation*, they having reſigned them, for their own convenience, and have the liberty to re-aſſume them at any time: The privileges they claim, as inherent in them as Britiſh ſubjects, of carrying their rights wherever they go, in any part of the dominions, are neither founded in the conſtitution, or reaſon. But ſome authors, by an abſtracted definition of right, have paſſed the bounds of all national juriſdiction, and, in their zeal, have carried their arguments ſo far, as to overturn all political and civil obligation, and diſſolved all thoſe laws of nations, and ties, by which dominion and power are held. Therefore the principles on which the coloniſts claim their privileges, are falſe and incompatable with a government holding of colonies: And thoſe they claim under the denomination of natural rights, ſtrike at the very foundation of all political inſtitutions. Their charter claims, are next the object of conſideration; by thoſe they have power to

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elect repreſentatives in aſſembly, to conduct and regulate the internal police of each province, which could not be ſo effectually adminiſtred by the legiſlature of Great Britain.—Whatever privilege, power, or authority, theſe houſes of aſſembly poſſeſs, is from the crown; it is by the royal permiſſion they are permitted to aſſemble; and not as have been thought, an inherent right in the people of the province; they have no power but what they hold from the crown, nor can they act legally, but in ſubordination to it. It is too extravagant an idea to ſuppoſe that by granting a power in the coloniſt to exerciſe a juriſdiction in their diſtinct provinces, that it created a power above its own authority, more particularly, that, of the ſupreme legiſlature. If the crown in ſome charters, reſigned a right it indiſputably poſſeſſed of levying taxes, as in the caſe of the four and a half per cent. duties in Grenada, the right of the whole legiſlature, it could not invade, or diminiſh: It might diſpenſe with its own authority, but could not infringe upon the privilege of the other branches of the legiſlature, no more than the Commons can make

laws

laws to deſpenſe with the privileges of the Peers: The authority of the crown in this caſe is too limited; though it hath a right to grant particular privileges, it cannot grant one directly contrary to the principles of the conſtitution, and that endangers the ſafety of the ſtate; the impoſſibility of the act, either in law or reaſon, incontrovertably proves, that it could not of itſelf grant the privilege of exemption from the authority of the ſupreme legiſlature. The King, Lords, and Commons, collectively, by a formal act of legiſlature only, could grant them the privilege of governing themſelves, which the moment they admit them to, as their right, that inſtant they reſign all authority over them; the colonies muſt conſequently then, be conſidered as diſtinct and ſeparate bodies, over whom they have reſigned all juriſdiction. It is only by ſuch an act as this that the coloniſt could claim an independant juriſdiction and the privileges they pretend to: It cannot be imagined, on any reaſonable principles, that by migration, they were ſeparated from the government of their native country, or poſſeſſed a right to create a legiſlature

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of their own, becauſe in England they had the privilege of ſharing in it, by the liberty of voting for a repreſentative in the national council.

The deep deſigns of the coloniſt, cannot be more ſtrongly marked, than in their acknowledging the ſovereignty of Great Britain, and denying the particular right to levy what they name internal taxes. The deſign of this, muſt ſtrike the moſt ſuperficial obſerver; it carries in its front, an evident intention to diſpute the legality of its authority, when convenient to themſelves. The idea of a ſupreme ſovereign power, without this liberty, is a ſoleciſm, too abſurd to be admitted under the moſt ſubtile evaſion. *Where is the authority of that political power, that cannot command the means that actuates, moves, and that preſerves the order of all government?* But they claim the liberty of taxing themſelves, as an inherent right, warranted by nature, and the laws of the conſtitution. With the generality of mankind, there is ſomething ſo deluſive in the idea of a *right*, that we ſuffer ourſelves to be carried away with a plauſible pretext

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of its exiſtence, and too often are wrought up to imagine we poſſeſs, what in the nature of things cannot ſubſiſt: Could we be induced to think this of the Coloniſt, we might argue with them; the refutation of thoſe errors is no ways difficult, but from an apparent intention to throw off all ſubordination, they take up primeval, natural principles which cannot exiſt in a political ſtate. This kingdom is the only nation, wherein the people enjoy a ſhare of the legiſlature, and here it is not general, therefore, cannot be the inherent right of every man of the kingdom: The numbers of perſons who have no vote for a repreſentative in Parliament, and are yet equally bound by their ordinances, are far greater in number than the coloniſts, and their claims for an exemption from taxes, would be as equitable, and juſt as thoſe of the Americans. Not to particulariſe the great public bodies of men, and ſocieties, and even the Eaſt India company, who may in this caſe, appoſitely be applied to the colonies. They who poſſeſs ſuch extenſive territories, that contain ſo many thouſands of inhabitants, pay a quota towards the expence

of government, though not repreſented. They are amenable and controulable to the ſupreme power of Parliament; though their refuſal would be more juſtifiable than the coloniſts, as at preſent, their territories are conſidered as their own, ſeparate and independant from thoſe of Great Britain. The coloniſts may advance, that they pay it by requiſition, that government does not form the mode of raiſing the ſum, they only requeſt it. Though it has not been found expedient, or neceſſary for government to particulariſe the mode of levying the taxes upon the company, yet the right, to it, cannot be diſputed. With the Americans the caſe is different, there are political motives, that muſt appear on the ſlighteſt conſideration, ſo cogent, and permanent, that a doubt cannot remain, that if they were to grant every demand of Parliament, but it would be prudent, and abſolutely neceſſary to preſerve the union, and connection of the two kingdoms, to amend the mode of adminiſtration in them.

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A principle upon which they reſt their arguments on, is, that taxes are free gifts. This poſition is maintained by a moſt reſpectable, and intelligent writer on the colonies, and is the foundation of the argumentative part of their oppoſition; but on inveſtigation it will be found no leſs falſe, than inconſiſtent. Taxes are a quota, that every individual pays towards ſupporting the government he lives under, and for his protection, in common with the ſtate. They are ſums levyed for the protection of their property, and the general defence of the kingdom. They cannot be conſidered as free gifts, being neceſſary demands of the ſtate, ariſing in conſequence of its exiſtence. The reaſon is evident, for if no taxes were raiſed, or ſums collected to defray the expences of defending the ſtate, it muſt become a province to a foreign power. They are ſums that every individual pays into the national ſtock, for the defence of their joint property. There is no nation whatever but pays them, tho' after different manners, according to the wiſdom of their legiſlatures. By the laws of this kingdom, it is the particular duty of the

Houſe of Commons to attend to this part of government, not, if I may be allowed the expreſſion, ſo much from being ſuppoſed to be the free voice of the people, in granting theſe ſums, as truſts or guardians over them.

Neceſſity is the governing power, and taxes muſt be levied in conſequence, and if the Commons were to refuſe thoſe grants, the crown, which is the ſovereign and executive part of government, bound to maintain the ſafety of the ſtate, would be juſtified by law and equity, in raiſing them, for the ſupport and defence of the community. The ſtate is not to be ſacrificed to the capriciouſneſs of a majority of men, who may be blinded by prejudice, and actuated by revenge. It appears, that the conſtitution, though it doth not expreſsly declare, has left that power, in caſes of neceſſity, in the executive part of government. The King poſſeſſes the right to declare war againſt a foreign power, if his dominions are invaded, or are in danger, even though it might be contrary to the inclinations of the Commons; ſhould they refuſe ſubſidies,

is he not warranted to levy them? otherwiſe of what conſequence is the right? it would be nugatory and void. It would be a contradiction in terms, and make the conſtitution, inſtead of being founded on truth and principle, a jargon of inconſiſtencies: Therefore the idea of taxes being free gifts, is erroneous and contradictory to the nature of their inſtitution: They are the means by which a kingdom is ſupported, and are interwoven with its exiſtence: This is tracing taxes to their original—their foundation, is in the neceſſity of the ſtate; their end, its preſervation. The method of raiſing them, by this conſtitution is a ſecurity to the people, unknown to any other nation; and it may be thought a dangerous poſition to advance, that the right of levying them, is in the crown; but a conviction of its truth, muſt be the effect of an impartial inveſtigation; otherwiſe the executive branch of government is a power without ability—a ſupreme without a juriſdiction. The virtues and wiſdom of our preſent Sovereign, whom God of his infinite mercy long preſerve! cannot in the moſt canker'd heart, give room to fear an unjuſt

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exertion of prerogative, no more, than, while under ſuch happy and glorious auſpices, a ſpirit of reſiſtance in the Commons. We need therefore be under no apprehenſion, or fear, but that from the wiſdom of the one, and the obedience of the other, a juſt political equilibrium will be preſerved.

There are none but the Americans themſelves, who does not acknowledge the juſtice of their paying taxes: And few unprejudiced and impartial men, but are convinced of the indelible right of the legiſlature of this kingdom to levy them. The doctrine of the illegality of taxation, but by a repreſentation, is ſeductive; it is favoring to the predominant paſſion of our nature, and in this country has a partial regard. Yet it cannot be advanced upon general and univerſal principles. That it ought to be extended to the coloniſts, in juſtice to them as Britiſh ſubjects, cannot be admitted from the univerſality of it in Great Britain, it being contrary to truth. The due regard that a wiſe legiſlature ought to obſerve, to keep a political ballance between the

the parental ſtate and the colonies of it; ſhould admit with caution, privileges that may lead to the annihilation of its authority: Although they have had liberty to exerciſe this power within themſelves, it is not to be admitted, that it was on a principle of right: The legiſlature of this nation hath from their firſt inſtitution, exerciſed an unlimited authority, as may be collected from innumerable acts of Parliament. The coloniſts themſelves ſeem ſo evinced of the juſtneſs of this right, that they ſeek evaſion under the moſt ſubtle ſubterfuge, by admitting the legality of Great Britain to tax exported commodities, and to exerciſe to the very line of the colonies, the moſt rigorous provincial authority. The futility of this declaratory poſition, can only be equalled by the inſult it conveys to the ſenſe, authority, and dignity of this nation: We may ſeek to give it a ſpecious appearance of reaſon, by the appellation of its being a commercial regulation, and not a tax, but the evaſion is ſophiſtical, and abſurd.

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The expediency of Great Britain to levy the taxes in America, while they continue to pay them by requiſition, is diſputed; but it can no longer be doubted, than while the mind looks no farther than the preſent, or, is bounded by want of penetration. Under the benign and liberal government of this country, whoſe conſtant attention has been directed to their welfare, they began early to perceive their increaſing power; and through the liberality of the legiſlature, in their grants of bounties, to promote a ſedulous attention in themſelves, they have riſen to a degree of importance unknown to any colonies in the world. Under this ſpeedy acceſſion to power, the regulations of juriſprudence ought to have advanced. The refractory diſpoſition, that in public bodies, as well as in individuals, feeling their own power, endeavour at independency, began early to diſcover itſelf in the coloniſts. Thoſe laws, that were made for the regulation of commerce, and for the mutual advantages of both kingdoms, were received with murmur; though were one reſtriction was made, a threefold advantage was given. The

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ſecurity and independence they found themſelves in, by the late treaty of peace, changed their diſcontent, to views of empire: The bounties that were laviſhed by this nation, with the moſt profuſe benevolence, was attributed to ſiniſter views; and the treaſures, both of men and wealth, that were exauſted in their defence, were regarded to be only to effect enſlaving them, not their protection. Theſe quick ſucceſſive ſtrides to independency, ſo apparent in the coloniſts, ſtruck the miniſter; their conſequences alarmed his feelings, and he perceived, with regret, that the authority of the Britiſh legiſlature, was ſunk into formal nugatory declarations, and permitted to relax, even at a time, when common foreſight would have dictated its exertion, to prevent the conſequences that might naturally be expected from the revival of an authority that was relaxed, almoſt to an impoſſibility of retrieving its former power. The Stamp Act was the reſult of theſe conſiderations, and though it originated from the moſt juſt principles, yet preparatory ſteps were neceſſary, to introduce

alteration, where time had ſanctified a cuſtom oppoſite and contrary. But the miniſter's zeal, to ſtop an evil ſo dangerous in its effects, overcome the moderation and circumſpection neceſſary to accompliſh an act of ſuch importance and magnitude. A reſiſtance was no more than might naturally be expected from the meaſure; ſtability and firmneſs would have effected then, what now force only can maintain. The retroſpect muſt give us pain, and excite our indignation, when we reflect upon the cauſe; a formidable oppoſition was placed to defeat the miniſter, even at the riſque of the kingdom; a more favourable opportunity than this could not have preſented itſelf, the oppoſition joined the faction, and were ſucceſsful: The miniſter was defeated—his retreat was honourable—the acquiſition mean and inglorious.

The repeal of the Stamp Act, quelled a tumult, that would of itſelf have ſunk into oblivion. Although the echo of the faction was loud, the American oppoſition was not to be feared

feared, either from its ſtrength, or union: It was a bubble compared to that on this ſide of the Atlantic. When unanimity was required, diſſentions were ſedulouſly ſown, to undermine the force that meant to eſtabliſh the juſt authority of the legiſlature. The futile reſolves of the American aſſemblies, carried with them a determinate and reſolute air; but they were well known to be the ſpurious productions of the leaders of the faction, to ſpread ſedition, and intimidate. The clamours of the mob were repreſented, as the unanimous voice of the people, whoſe perſuaſions were contrary, and condemned thoſe meaſures they were thought to ſupport. The non-importation agreement, was the moſt ſubtle and deep concerted ſcheme, that ever eſcaped the penetration of the Britiſh merchants. The impoſition, however, was too groſs to go long unperceived, and the other coloniſts ſoon found themſelves dupes to the artifice of the Boſton patriots: and their treachery became the univerſal deteſtation of the colonies, even to an adage—To monopo-

lize the trade of America, under the colour of a non-importation, at the very place of its riſe, could only be effected by the art and duplicity of modern patriotiſm. By this ſpecious effort, to ſubdue the authority of Great Britain, though weak and impotent as it was, they accompliſhed their ends; not from the juſtneſs of their cauſe, or power, but by the ſtrength of a domeſtic oppoſition to a miniſter.

The conſequence of the repeal was apparent; though the clamour was appeaſed, a ſullen murmur was implanted. On this defeat of legal authority, they then diſcovered their intentions without diſguiſe, that the very declaration of an indiſputable right, gave offence equal to the exerciſe of it; and what they before diſputed, they now openly denied. Their wiſhes were flattered by the arguments of the leaders in the oppoſition, and their rebellious reſiſtance was juſtified, and ſupported, in the declamations, and oratory of the advocates for popular applauſe. Diſſentions, rivetted ſtronger than

than before their claims, though confirmed by our conceſſions; their power, flattered by our retreat; and our pacific diſpoſition, interpreted into fear, was the conſequence of the repeal; that they retired with all the glory, and triumph, of a conqueſt.

That criſis, which if it had been embraced with ſpirit, would have eſtabliſhed the authority of the legiſlature, upon a firm an laſting baſis, is renewed in the preſent; but with all the additional importance, that delay gives to affairs of magnitude and moment. On experiencing the ſupineneſs of our councils at that period, the activity of the ſeditious were redoubled, and every opportunity taken to inſtil diſaffection and excite indignation againſt the governor, and officers of the crown. A moſt partial adminiſtration of the laws, in defiance of juſtice, were frequently the effect of their juries who were often intimidated from giving a juſt verdict. Unlawful combinations, and the factious ſpirit of their members, ſtimulated a rebellious diſpoſition in the people that broke out into acts the moſt violent and out-

outrageous. To ſtop the increaſing evils and the alarming meaſures they threatened, thoſe that were adopted in the laſt ſeſſions of Parliament were deſigned; they were planed with that wiſdom and ſpirit of moderation, that diſtinguiſhes our preſent councils, wherein a ſtudious attention to preſerve the public happineſs, and a moſt benevolent unwillingneſs to exert a rigid authority are obſervable. Although in one hand was the rod of correction, in the other, was the olive branch; yet theſe mild and lenient meaſures have been inſulted, and inſtead of drawing a conceſſion, for crimes, that deſerve no pardon, an inflamatory ſeditious ſpirit has predominated beyond credulity.—We need not deliberate on the conſequences of this rebellious ſpirit; the intentions of which diſcover themſelves in the ſtrongeſt characters. The original diſpute, is extended from a right of taxation, to that of ſovereignty. The Petition of the General Congreſs, throughout the whole of which runs a high ſpirit of deſſention, and in ſome parts the moſt rebellious, and treaſonable declarations, evidently betray the motives that actuate them. They not only

aſſume

aſſume a power to dictate to our Sovereign, but inſult him in the moſt approbious manner. The army which is a protection to the innocent, gives offence; becauſe they prevent the execution of their unlawful and deſperate deſigns. The judges, and officers of the province, receiving their ſalaries from the crown, gives equal diſcontent from being thereby rendered uninfluenced by them: What degree of juſtice, could be expected from thoſe officers, who are dependant on the capriciouſneſs of the people! The alterations in their mode of tryal were found expedient, they originated from motives that muſt appear forcible, and judicious to the man who reflects, with the leaſt attention. Theſe, they ſtile unjuſt innovations of their charters, and an illegal exertion of power, which, if we could admit the idea of a legiſlature, without a deſpenſing, and ſuſpending power, might be allowed. But to evince us farther of that ſpirit of future enterprize that they are actuated by, they preſume to repreſent as a grievance in their petition to

the King, and arraign an act of the legiſlature † that does not in the leaſt interfere with them. By which they already aſſume a power of dictating to Great Britain, and endeavour to reſtrict her authority over her dominions. It requires no extenſive powers of penetration, to diſcover the object of the ambition, and their ground for objections to this act. Their agent declared their views in his prognoſtication. But this indelible truth, the legiſlature of this country muſt never looſe ſight of; that it can be, only, from the ſupineneſs of Great Britain, that it ever, can be verified.

It is not, with the generality of the people, who rarely think farther than their preſent intereſt, that their treaſonable, and ſeditious acts, their ſtrides to independency, and their progreſſive power, gives an alarum; the object of terror to them, is the reſolve for a non-importation of Britiſh manufactures, from the diſtreſs it threatens to

† The act for eſtabliſhing the government of Quebec. For an elucidation of the principles of this act, ſee "Thoughts on the Quebec act."

to the merchants trading to the continent, and the fear of loſing that extenſive branch of commerce. On a ſuperficial enquiry, the conſequences may appear alarming, but an attention to the trade of the Americans will convince us that the balance from their trade to England, is far more in their favour, than a free and unreſtrained commerce would be, were it permitted them: And they are too ſenſible of the advantages, they receive from the credit of the Engliſh merchants, and know, too well, the pillars that ſupport their opulence, than to relinquiſh them.

Their non-importation agreements have been experienced, and are well known to be, duplicit combinations, to frighten, and alarm the credulous, and ſhort ſighted. But the large debts that are due to the merchants, and their too juſt grounded apprehenſions of loſing them, make them fearfully tenacious. It is *this tie* that binds the merchants advocates for the coloniſts, that they may not totally deſpond of ever receiving their demands; which, if the authority of the legiſlature is not inforced, they

will have but too juſt occaſion to dread; ſo far from its endangering them, it is the only means to ſecure them, though it may procraſtinate the poſſeſſion of them. It is well known that ever ſince that fatal æra of the repeal of the Stamp Act, they have made a ſcoff at their Engliſh debts. A man of unblemiſhed honour, and probity, in the city, who from the repeated refuſal of the American merchants, to pay their debts, due to him in 1769, obliged him, lately, to lay the ſtate of his affairs before his creditors, declared with that emotion, a man of feeling, muſt experience at that period; that the only anſwer to his demands, were refuſals, inſults and evaſions, even from perſons of worth, and extenſive commercial connections on the continent. The generality of this, throughout America, is too fatally experienced, by every one of the Britiſh merchants. Their refuſals, ariſe from an artful and deep grounded policy; that whilſt ſo great a balance is due to the Engliſh traders, they can always command their voices, and the repreſentations of ſo reſpectable a body, will always have a weight with the legiſlature. And while they continue to experience, a denial of paying

their

their debts, and a non-importation agreement, effective; whilſt a petition from a congreſs hath power to prevail, and a ſeditious ſpirit of reſiſtance, can force the legiſlature of Great Britain to an acquieſcence of their claims, they will be *common reſources*: 'Till the time, their ſtrength will require *no art* to accompliſh what they can maintain by force.

In a criſis, ſo big with importance as the preſent, and wherein every moment of delay increaſes the alarming conſequences it threatens, ſome immediate, and deciſive meaſures muſt be adopted, to prevent their iſſue, and to eſtabliſh the ſovereignty of this kingdom, upon a firm, and ſolid baſis, that in future thoſe dominions may not be ſhook, nor the ſupremacy of this nation be threatned with a defeat, by the clamour of a faction; iſſuing from the *ſeeds of its own political body*. In ſo critical a ſituation, where danger threatens on all ſides, and no ſtep whatever can be taken, from which a certain loſs will not enſue, mature deliberation muſt decide, what meaſures are moſt likely to be

effective, and to weigh the conſequences, that will reſult from the various means of accommodation: From relinquiſhing our right to tax them, or from negociating a conciliation, or enforcing the juſt authority of this nation. Of which ſoever may be adopted, the *dangerous* though poſſibly *remote conſequences*, that will inevitably enſue, from palliating, and not effectually removing the evil, muſt not, eſcape the attention of the legiſlature. By conſidering the objections, that ariſe to each of thoſe meaſures, the probable conſequences from adopting them, and the effect they are moſt likely to produce; we ſhall be able to determine which is the moſt expedient. But to judge more clearly what meaſures are moſt fitting to be adopted, a view of their general character, will lead us to decide with more certainty.

In the diſpoſition of the people, of Maſſachuſett's Bay, there is a ſtrong mixture of duplicity, and evaſion, even bordering upon low cunning, warp'd by religious prejudices, under the ſanction of its zeal, they are eaſily led to commit

mit the moſt flagrant acts of violence, without regard to moral obligation, or the ties of ſociety when theirſelves are not the objects; while on the other hand, a bigotted ſuperſtition, equally enervates them, for the execution of great events. The republican principles of their teachers, create in them a fixed hatred to regal authority; and rivets in them an implacable reſtleſſneſs, under any fixed government. A want of thoſe generous principles that actuates, and gives vigour to ſociety, cauſes confined and narrow ſentiments, that their benevolence, juſtice, and virtues, extend no farther than to theirſelves. To govern a people, of ſo reſtleſs, and ambitious tempers, and of no fixed principle, is arduous, and difficult: Their public conduct will be guided by their natural diſpoſitions, and if a conſiſtency, and firmneſs is not preſerved in the government of them, they will burſt into anarchy and confuſion.

To relinquiſh our right, or to withdraw the exertion of it, with a view to win them to obedience, cannot be adopted with prudence, or ſafety.

ſafety. The conſequence of giving way to the claims of the coloniſt, we experience in the preſent moment. If they find us flexible again, their petitions, for repeals will advance, faſter, than the legiſlature can aſſent to them. Did the repeal of the Stamp Act, cement the union of the colonies with Great Britain ſtronger? or did they pay their debts in conſequence of it? The facts to the contrary are notorious; what reaſons have we to expect, that an acquieſcence to their claims will now affect it?—They have diſcovered their diſpoſition to break off a dependent connexion with us; and the proofs they have given us of their public faith, are too weak, to hazard a ſecond reliance. But if their temper and diſpoſition would ever admit, or merit ſuch a condeſcenſion, the reaſons to the contrary, are ſo evident and forcible, that the man who conſented to them would be acceſſary to the certain ruin that would enſue from ſo ſhort-ſighted a ſtep. It might give a temporary quiet to a tumult, but the danger would only be warded off for the preſent, to burſt forth again with irreſiſtable ſtrength. Our trade, it is true, may return to its

its former channel, but its continuance will be of ſhort duration. Our authority will become too weak to enforce even a negative power, or the laws of commerce. The ſpirit of reſiſtance will encreaſe beyond ſubjection, and every law that now binds them, will in time be thought a tyranny, an aſſembly of delegates will meet and reſolve a non-importation agreement, and as their power, and ſtrength encreaſes, their claims will advance: That one may foretel without the gifts of propheſy, that from the time the legiſlature conſents to the claims of the coloniſt in their petition, the æra may be dated, from which, the ſovereignty of *America over Great Britain* began to dawn; its advances may be ſlow, and the completion remote, yet it will be the ſure and certain conſequence of granting them.

But an objection to the enforcing any meaſure, that does not acquieſce to the claims of the Americans, and which has an appearance of conſequence, from the importance of the object, are the repreſentations of the merchants, and traders,

traders, of the great loſs the commerce of this nation will ſuſtain, from the reſolutions of the congreſs. The welfare and proſperity of this kingdom are ſo intimately connected with its trade, that the leaſt apprehenſion of a decay, will always claim a particular attention from the legiſlature; therefore the petition of ſo reſpectable a body as the Britiſh Merchants, deſerve a minute conſideration. In the preſent ſituation of affairs, the American trade, as well as dominions, ſtands upon a point: And the mode of pacification hinted by the merchants, if adopted, will be the rock that both will ſplit on. For when the caſe is duly conſidered, it will appear, *that the trade to America, depends, ſolely upon enforcing the authority of the legiſlature.* The ſituation and flouriſhing condition of the colonies, their increaſe of population, with the circumſtances attending a riſing nation, makes them an object of importance to the welfare of this kingdom, and while the authority and ſupremacy of the Britiſh Legiſlature is preſerved, they may prove the influx of wealth, and happineſs to both: But the moment the one relaxes, the

other

other will riſe with that force, which all the natural advantages they poſſeſs, contribute to make them ſuperior. When the laws of Great Britain have no longer any force with them, their attention will be turned to manufactures, in which they have every advantage over this kingdom; the great difference in the price of their lands, as equally the almoſt unbounded extent of them, will ſo effectually ſecure the balance of trade in their favour againſt this country, from the low price they can be able to afford their commodities, that in leſs than a century, they will rival our commerce in every part of the world. It may be anſwered, that the navigation-act, is a firm barrier to their arriving to that degree of power, and is alone ſufficient to ſecure them ours. The truth of this is evident, while it continues to be enforced; but if at this time we cannot, or which is the ſame thing in effect, do not enforce our authority, how far more difficult will it be, if not impoſſible at a future period. Their pleas againſt it would be equally as juſt as thoſe of the preſent, they might plead the rights of nature, and the injuſtice of ſuch a

reſtriction, and poſſibly, back their remonſtrances with an unconquerable force. All things in nature are progreſſive; ſtates, and kingdoms are the ſame, and this is no more, than the natural conſequence that muſt reſult from Great Britain's aſſenting to their preſent claims. In the preſent ſituation of the coloniſt, and this country, with our preſent navy, it may be thought chimerical to indulge reflection on things ſo remote, and at preſent impoſſible; but is our navy always to be employed as guards over the Americans? are there not the hazard, and contingencies of war? or are we able to ſupport a naval eſtabliſhment double to the preſent to watch over them? A wiſe legiſlature, will deeply participate the conſequence of their meaſures, and not give up the ſecurity of the future, for an accommodation of the preſent. But the ſudden diſtreſs, of an intervention of commercial intercourſe, alarms us more ſenſibly than the ſlow and certain ruin that creeps on by degrees, which the more imperceptible it advances, the more irreſiſtable the event: While the one cauſe only a temporary ſtagnation, the effect of bringing things back to

their

their proper center, and fixing them on a firm and laſting baſis. This may be laid down as a principle, which the more we inveſtigate, the more we ſhall perceive its truth, *that no longer than the ſovereignty of the legiſlature is preſerved, will the trade of Great Britain to America continue?* they will riſe progreſſively to be our rivals in power, trade, and dominion. Indeed the farther we carry our enquiries into the conſequences that would reſult to Great Britain from ſhrinking in its authority at this period, the more we ſhall be convinced of the importance of the deciſion, and that the very fate of this nation, depends upon the maintaining our ſupremacy. Were thoſe gentlemen that are ſo forward to petition, to give free enquiry into the ſubject, they would not from a miſtaken zeal for their intereſts, be led to countenance, what muſt end in the ruin of commerce, though poſſibly not in their times; yet their riſing generations may experience the fatal truth. By their interference they give a ſanction to the cauſe, which is their intereſt to oppoſe, and encourage the rebellion, they mean to aſſuage; that ſo far from reſtoring the harmony

of the colonies, they root the diſſentions deeper; it is the ſupport the coloniſt meet with from perſons on this ſide the Atlantick, who are induced from their preſent intereſt, to interpoſe in their behalf, that gives a ſanction to their claims, and the colour of juſtice to their cauſe.

The idea of negociating a conciliation without coercive meaſures, or ſacrificing the right, and dignity of this nation is pleaſing; and muſt be the wiſh of every friend to humanity. To that end we cannot employ too much attention, but to every method that preſents itſelf, there ariſe ſo many impediments, that after the moſt ſerious, and diligent conſideration, we ſhall conclude it impoſſible. The truth of the poſition, that the colonies cannot continue in any degree of ſubordination to Great Britain, under their preſent defective conſtitution, † excludes

† Our preſent councils hath perceived the errors of the American conſtitution, which is the fundamental cauſe of all our diſputes, and therefore planned the judicious alterations that were paſſed laſt ſeſſions. Theſe, though material and important, muſt only be conſidered as the principle of thoſe improvements that are neceſſary to reſtore the peace and harmony of the colonies, and ſecure their union to Great Britain.

any accommodation that leſſons the power of the legiſlature to make future internal alterations. The refractory conduct of the Boſtonians will not permit of a relaxation, on the part of this country, they have aggravated their primitive crime by open rebellion, and their leaders have publicly excited ſedition in the other colonies. Every means has been taken, conſiſtent with the honour of this kingdom, to draw from them a conceſſion, but they have been ineffectual. From the convincing, and ſelf-evident proofs, that the commerce, and all the advantages we derive from America, depends upon ſupporting the authority of the Britiſh Legiſlature there, we cannot heſitate a moment on the propriety and duty of the parliament to enforce it. The recourſe to arms, particularly againſt our fellow-ſubjects, muſt give us pain, but where there is no alternative, we muſt adopt it, whatever violence it may do to our feelings: It muſt be conſidered as an oppoſition to preſerve a nation, whoſe glory, happineſs, and almoſt exiſtence, depends upon its deciſion. This unhappy

conteſt

conteſt muſt be purſued with vigor, yet with moderation; the more ſteady and firm our attack, the more merciful it will prove in the end, ſince they have experienced our flexibility, they are not to be intimidated no more than they can be brought to obedience by lenient meaſures. But preparatory to this, a law of penalties and forfeitures of the eſtates of thoſe who take up arms againſt Great Britain, will be judicious, and no leſs effective, in preventing the progreſs of the inſurrection.

The general diſpoſition of moſt of the provinces, give us room to apprehend, that ſo far from encouraging an oppoſition to eſtabliſh the peace and harmony of the colonies, that when a power is declared to protect them, they will openly endeavour to defeat thoſe rebellious ſubjects, who are equally a terror to the well-diſpoſed there, as vexatious to Great Britain.

F I N I S.